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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,775	08/31/1999	LASZLO ERDELY JR.	1858.003	1784

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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/386,775	Applicant(s) ERDELY ET AL.	
	Examiner BINH K. TIEU	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by McNab et al. (U.S. Pat. #: 4,937,855).

Regarding claim 1, McNab et al. ("McNab") teaches a method of providing uninterrupted digital communications between a central office and a customer premises comprising the following steps:

placing a local loop generation mechanism in series with a communications path between the central office and the customer (i.e., locating building doorbell security system for controlling the building entry doors as shown in figure 2 being connected in series with a

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communication path between the central office via central office line 30 and the subscriber telephone set 16; col.2, lines 37-57 and col.4, lines 37-68); and

placing a frequency-selective filter in parallel with the local loop generation mechanism to provide a bypass path across the local loop generation mechanism (i.e., placing capacitors C1 and C2 as filter, as shown in figures 3 and 4A, providing a bypass path to allow speech signals bypassing the building doorbell security system, col.5, lines 40-47 and col.7, lines 19-30).

Regarding claim 2, McNab teaches a system for providing uninterrupted digital communications between a central office and a customer premises for use in conjunction with a local loop generation mechanism placed in series with a communications path between the central office and the customer (i.e., locating building doorbell security system for controlling the building entry doors as shown in figure 2 being connected in series with a communication path between the central office via central office line 30 and the subscriber telephone set 16; col.2, lines 37-57 and col.4, lines 37-68); the system characterized by:

A frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism (i.e., placing capacitors C1 and C2 as filter, as shown in figures 3 and 4A, providing a bypass path to allow speech signals bypassing the building doorbell security system, col.5, lines 40-47 and col.7, lines 19-30).

3. Claims 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by McNamara et al. (U.S. Pat. #: 5,974,139).

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Regarding claim 16, McNamara et al. ("McNamara") teach a frequency-selective method for allowing interruption of communications within a first frequency range (i.e., POTS or voice signals) on a communications path (i.e., cord 64 as shown in figure 4 carrying only the filtered POTS signals) while maintaining communications within a second frequency range (ADSL signals) on the communication path (i.e., bypass line 75), comprising the steps of:

Providing the communications path (i.e., bypass line 75 and interconnect wire 52, col.7, lines 44-56);

Placing a frequency selective filter (i.e., a low pass filter 80 in the line isolation device (LID) 70) in parallel with the local loop generation mechanism which is the network interface device (NID) 32 as shown in figures 2A and 7 (col.7, line 57 – col.7, line 56).

Regarding claim 17, McNamara teaches a frequency-selective method for allowing interruption of communications within a first frequency range (i.e., POTS or voice signals) on a communications path (i.e., cord 64 as shown in figure 4 carrying only the filtered POTS signals) while maintaining communications within a second frequency range (ADSL signals) on the communication path (i.e., bypass line 75), comprising the steps of:

(a) placing a local loop generation mechanism in series with the communication path (i.e., placing the NID 32 in series with incoming wires 34 and wire 54 as shown in figures 2A and 3, col.6, lines 40-43 and col.7, lines 6-11); and

(b) placing a frequency selective filter (i.e., a low pass filter 80 in the line isolation device (LID) 70) in parallel with the local loop generation mechanism (col.7, line 57 – col.7, line 56).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNab et al. (U.S. Pat. #: 4,937,855) in view of McNamara et al. (U.S. Pat. #: 5,974,139).

Regarding claims 3 and 4, McNab teaches all subject matters as claimed above, except for the frequency selective filter such as the capacitors C1 and C2 is adapted to pass at least those frequencies which carry digital information. However, McNamara teaches the line isolation device comprising the high-pass filter to filter out the ADSL signal (col.7, line 57 – col.8, line 6; col.10, lines 21-29) for a purpose of filtering out the POTS signals.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the frequency selective filter as a high pass filter, as

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taught by McNamara, in view of McNab in order to filter out unwanted incoming signals to the system.

Regarding claim 5, McNamara further teaches the line isolation device 70 comprising the low-pass or bandpass filter to filter out the ADSL signals (col.7, lines 44-56 and col.10, lines 30-37).

Regarding claim 6, McNab further teaches the delays B serving as an electromechanical connection mechanism for the local loop generation mechanism and the frequency selective filter (col.7, lines 17-30).

Regarding claim 11, McNamara further teaches the limitations of the claim in col.7, line 64 – col.8, line 6.

Regarding claims 12-13, McNamara further teaches the limitations of the claim in col.8, lines 7-21.

Regarding claim 14, McNamara further teaches the limitations of the claim in col.1, lines 29-38.

Regarding claim 15, McNamara further teaches the limitations of the claim in col.9, line 29 – col.10, line 29.

7. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNab et al. (U.S. Pat. #: 4,937,855) in view of McNamara et al. (U.S. Pat. #: 5,974,139) as applied to claim 1 above, and further in view of Alpha Communications (Product Specification Sheet, Rev. 1-12/98).

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Regarding claims 7-9, McNab teaches the building doorbell security system and McNamara teaches the NID 32 providing connections of telephone lines between the central office and subscriber-own equipment as stated above, except for the use of an RJ71C terminal block in the system. However, the RJ71C terminal block is known those skilled in the art as a junction phone box for connection arrangement of 12 pair of telephone lines without interrupting any other pairs. Alpha Communications teaches such RJ71C terminal block or jacks for the purpose of connecting central office lines to the subscriber-own equipment in the doorbell security system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the RJ71C terminal block, as taught by Alpha Communications, into view of McNab and McNamara, in order to arrange connections of the telephone lines in the system.

Regarding claim 10, McNamara teaches the line isolation device (LID) 70 comprising the highpass and low pass filter to splitter the incoming signals for digital data modem and POTS devices, respectively. Thus, with incorporation of teachings of Alpha Communications, the LID is obviously modified such as replacing or substituting with an RJ71C in order to provide the same functions as of the LID 70, that are, the customer premises with a voice communication ports and a data communication port.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Starr (U.S. Pat. #: 6,470,059) teaches an apparatus and a method for filtering radio frequency interference (RFI) in a signal transmitted on a twisted-pair communication channel such as an ADSL transmission line. Starr also teaches the apparatus comprising a local loop generation mechanism such as the RFI detector 64 in connected in parallel with a frequency selective filter such as the filter 40 as shown in figure 2. If the noise level on the communication path determined by the RFI noise detector 64 is greater than a predetermined threshold, the filter 40 is placed to provide a bypass path across the local loop generation mechanism.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



**BINH TIEU
PRIMARY EXAMINER**

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Date: February 06, 2003